

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ENTERTAINMENT SOFTWARE  
ASSOCIATION, VIDEO SOFTWARE  
DEALERS ASSOCIATION, and  
MICHIGAN RETAILERS ASSOCIATION,

Plaintiffs,

Case No. 05-CV-73634

vs.

HON. GEORGE CARAM STEEH

JENNIFER GRANHOLM, in her official  
capacity as Governor of the State of  
Michigan; MICHAEL A. COX, in his  
official capacity as Attorney General  
for the State of Michigan, et al., and  
KYM L. WORTHY, in her official capacity  
as Wayne County Prosecuting Attorney,

Defendants.

ORDER DENYING DEFENDANTS GOVERNOR JENNIFER M.  
GRANHOLM AND ATTORNEY GENERAL MICHAEL COX'S MOTION TO  
TRANSFER VENUE TO THE WESTERN DISTRICT OF MICHIGAN [DOC. # 27]

Defendants Governor Jennifer Granholm and Attorney General Michael Cox move to transfer venue in this case to the Western District of Michigan where they allege the incident on which the complaint is based occurred; where the official records and evidence related to the passage of the legislation are located; where the headquarters of the State are located; and where the public has an interest in the outcome of this case. Alternatively, and for the same reasons, defendants argue venue should be changed for the convenience of the parties. For the reasons stated below, defendants' motion to transfer venue is DENIED.

Venue is proper in the Eastern District pursuant to 28 U.S.C. § 1391(b)(1) because defendant Kym Worthy resides within the District, and because the Governor and Attorney General perform their official duties throughout the State.

Defendants' alternative "convenience" arguments for transferring venue to the Western District pursuant to 28 U.S.C. § 1404(a) are likewise unavailing. The Act at issue was passed in Lansing, which is a mere 100 miles from this Court. The proximity of the two districts weighs against any claim that the convenience of one party will be enhanced by a change of venue, as does the fact that the Attorney General regularly litigates in this Court. Defendants argue, and the Court has considered, each of the other factors courts consider in deciding whether a plaintiff's choice of forum should be overruled. There is simply no compelling reason in this case to transfer venue to the Western District of Michigan.

Defendants' motion to transfer venue is DENIED.

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: January 20, 2006

#### CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on January 20, 2006, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk